

A Regular Meeting of the Marilla Town Board was held August 10, 2006 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York.

Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

A special presentation was given to the Marilla Town Board from Erie County Farm Bureau President Hans Mobius and local President Stan Travis and a local farmer David Lang for the Town's dedication to preserve farming by passing the Right to Farm Law and keeping Marilla green.

Communications

- a. Marilla Volunteer Exempt Firemen's Benevolent Association thanked the Town for the fireworks display at the carnival.
- b. Robert Reynolds thanked the town for the resolution on the 4 year plan.
- c. The Town of Colden adopted a resolution on the 4year plan.
- d. The Town of Alden adopted a resolution on the 4year plan.
- e. The Town of Alden adopted a resolution on sales tax distribution.
- f. The Town of Alden will be having a public hearing on August 21st at 7:45 pm for Local Law No. 1 entitled "Amendment to the Zoning Law for the Town of Alden."

Committee Reports

Councilman Gertz reported for Highway Superintendent Dave Pierce that he had received 3 written quotes for the Winchester Porterville drainage project:

1. Dirt Works Excavation, located at 12118 Anne Drive, Alden, NY 14004 for \$10,850.00.
2. Spanitz Backhoe Service, Inc, located at 12516 Liberia Road, East Aurora, NY 14052 for \$13,200.00.
3. Finch Backhoe Service, located at P.O. Box 40, Marilla, NY 14102 \$18,600.

The Highway Superintendent recommended the low bidder; Dirt Works Excavation for \$10,850.00. He had also received 3 written quotes for the surplus 1986 white packer truck:

1. Bison Truck Parts for \$500.00.
2. Alden Trucks for \$1,556.00.
3. Casey's Truck Salvage for \$758.00.

The Highway Superintendent recommended we go with Alden Truck for \$1,556.00.

Councilman Spanitz reported that the Planning Board will not have a meeting for the month of August. She reported that the Library held 27 different programs this summer; they had 171 children in the reading program, 87 children attended the Mike Randall program which was sponsored by the Buffalo and Erie County Public Library. There was a team of 9 children from 6th to 8th grade that competed in the battle of the books, at ECC South Campus on July 29th, there were 24 teams in all and Marilla tied for 4th place, the friends of the Marilla Library are honoring them with a pizza party. There will also be an end of summer party for all summer participants on Wednesday, August 23rd at the Marilla Pavilion featuring Glen Colton, sponsored by the Pavilion Committee. The Librarian and the Library Board would like to thank the Town Board, staff, patrons and volunteers that made this summer's activities the most successful yet.

Councilman Gertz reported that he had sent in the paper work for the Town being NIMS compliant which will help us with FEMA Grants. We have finished our work with code publishing, and we will hopefully be holding public hearings in the next month or so. He attended a meeting with Legislature Kathy Konst and other Town Supervisors and

Mayors, to exchange ideas and discuss any problems that we have. He also reported there will be a CERT Training offered at Iroquois Senior High School, 2111 Girdle Road, Elma, NY for a series of seven Wednesday night classes from 7:00 to 10:00 pm from September 13th to October 25th. This will teach local residents about disaster preparedness, fire safety, Emergency Medical operations, light search rescue and more. CERT Training was developed for FEMA and is designed to prepare you and your neighbors in the event of a catastrophic disaster. Pamphlets are available in the Town Clerk's Office.

Councilman Handley reported that the Pavilion Committee will be hosting Ag Day and Concert on August 27th at the Pavilion area, starting at 1:00 pm until 5:00 pm. We will be starting something new and having a tractor and engine show, farm animals, sheep shearing, 4-H fashion show, Messinger Woods Wildlife Care and Education Center will bring some animals, local youth groups will be selling refreshments and The Marilla Fire Company Band will perform at 1:30 pm and the Paul Zittel Band will perform from 2-5 pm. Glen Colton will be playing on August 23rd and in September they will be hosting another pie auction for the Marilla Library.

Councilman Specht reported that the Car Show Committee had a meeting yesterday and it was estimated that there were 20,000 people attending the car show, 462 cars, trucks, and motorcycles were registered and there were approximately 400 motorcycles in the middle of town. He wanted to make a point of letting everyone know that the letter in the Elma Review was incorrect. The Car show is not sponsored by the Marilla Fire Company or the Town of Marilla, it is a private committee that deserve all the credit for all the hard work they put into the car show. As a result of their effort they will be donating around \$23,000 to Mercy Flight.

Supervisor Foss reported that the budget request forms have been distributed to all departments and are returnable by August 21st. He plans on doing the budget that week so he can put a summary of the 2007 budget in the September newsletter. He will not be releasing the budget officially at that time as he may have to make some late changes as many estimates from the County and State may not be available that early. The required date of submitting the budget to the Town Clerk is October 1st and he will definitely be releasing his final tentative budget before that date. He reported that concerning Sheriff's road patrol they have reached a tentative agreement with the County Executive on delaying the road patrol problem for one year while a study is done to evaluate the entire County situation for police services. There are two pluses for Marilla in this agreement and they are; the disagreement with the county will be put off for a year and a lot of things can happen in a year. Also we will be in an election year next year and he expects County Executive candidates are going to have to develop a policy to solve this problem. The group studying this issue will include someone from rural towns so we will be included and not excluded as we normally are in policy recommendations. We are hoping to close on the Janiga and Wigler properties sometime this month. The State has given the Town a deadline of August 31st to complete the sale.

Open Board Presentations From the Public

Resident Shirley Limpinsel from Coleman Road asked if we will have a CERT Committee in Marilla eventually? She stated that her husband and herself had attended a CERT Training and are both certified.

Councilman Gertz responded that we will have a committees and meetings when we have more people interested in the program.

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the minutes from the Public Meeting and Regular Board Meeting held on 7/13/06. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Specht to award bid for the Porterville Road and Winchester Drive drainage project to Dirt Works located at 12118 Anne Drive, Alden, NY 14004 for \$10,850.00. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to authorize the sale of the surplus 1986 garbage packer truck to Alden Trucks LTD, located at 2731 Townline Road, Alden, NY 14004 for \$1,556.00. Motion Carried.

Report of Town Officials

Town Engineer Marie Nowak reported that she received approvals from the DEC and the Health Department from Bennington for their water lines. They are getting close to connecting.

Building Inspector John Fronczek submitted a written report with 7 building applications received with fees totaling \$1,770, 8 building permits issued with a total value of \$589,300.00 (2- residential, 2- additions, 2-accessory, 1 misc.), 14 inspections were made and 2 complaints were received for the month of July 2006. A total of 155 official code enforcement activities were performed in the month of July. Of the above residential permits one was for a manufactured home.

Supervisor Foss reported that the equalization rate has dropped to 49%.

The Planning Board will not have a meeting in August and the minutes have been received and posted.

The Conservation Advisory minutes have been received and posted.

Open Board Presentations

Councilman Specht stated that a resident complained to the Town Clerk that a combine woke him up at 1:00 am, he explained to the resident that this is an agricultural community and that farmers have a small window in which to pick the peas and residents will have to be understanding.

Supervisor Foss stated there are a lot of activities in town for the past 4 to 5 years; Carnival, Memorial and Veterans Day, Civil War Re-enactment, Concert Series, and the Car Show and we get many compliments from outside towns.

Motion: Councilman Specht moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 322-371	\$ 19,466.19
Highway Fund Claims, Vouchers 143-156	\$ 4,963.33
Special Districts	
Sanitation (SR), Vouchers 80-88	\$ 7,870.62
Special Fire Vouchers	\$.00
Water District #2, Voucher	\$.00
Water District #3 Vouchers	\$.00
Water District #4 Voucher	\$.00
Community Develop. PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to adjourn the meeting at 8:05 p.m. Motion Carried.

Respectfully submitted,

_____Town Clerk _____Supervisor

_____Councilman _____Councilman

_____Councilman _____Councilman